

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

C. MICHAEL GONZALEZ-AGUILERA, Case No. 2:12-cv-01745-SU
Petitioner, FINDINGS AND RECOMMENDATION

v.

STEVE FRANKE,

Respondent.

SULLIVAN, Magistrate Judge.

On November 1, 2012, the court advised petitioner that in order to continue with this 28 U.S.C. § 2254 habeas case, he must show cause within 30 days why his Petition should not be summarily dismissed for lack of jurisdiction. The court specifically warned petitioner that if he failed to satisfy the Order to Show Cause within the time allotted, the court would recommend dismissal of his case. As plaintiff has not responded to the court's Order to Show Cause in any way, the court should dismiss the Petition for

Writ of Habeas Corpus (#2) for lack of jurisdiction. The court should also enter a judgment dismissing this case without prejudice, and should decline to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

SCHEDULING ORDER

This Findings and Recommendation will be referred to a district judge. Objections, if any, are due within 14 days. If no objections are filed, then the Findings and Recommendation will go under advisement on that date.

If objections are filed, then a response is due within 14 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

DATED this 6th day of December, 2012.

/s/ Patricia Sullivan

Patricia Sullivan
United States Magistrate Judge